

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte KOJI MAEDA, YUICHI MEGURIYA,
HIDENOBU KAMEDA, HITOSHI TAKENAKA
and HIROYUKI YOSHIDA

MAILED

MAY 31 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2005-1056
Application No. 09/966,288

REMAND TO THE EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 4, 2005. A review of the application has revealed that the application is not ready for a decision on appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to the decision is identified below.

A Reply Brief was timely filed on August 13, 2004. The examiner did not review this paper. The Reply Brief needs to be considered by the examiner with respect to compliance with the criteria set forth in 37 CFR § 41.43(a) which states:

(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In

addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

ORDERED that the application be **remanded** to the examiner for appropriate consideration of the August 13, 2004 Reply Brief and for such further action as may be appropriate.

This application, by virtue of its "special" status, requires an immediate action, see Manual of Patent Examining Procedure § 708.01 (Eighth Edition, Rev. 2, May 2004), item (D). It is important that the Board of Patent Appeals and Interferences be promptly informed of any action affecting the appeal in this case.

BOARD OF PATENT APPEALS
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